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MAR 03 2008

In re Application of
Kaoru Higuchi et al
Application No. 10/529,244
Filed: March 24, 2005
Attorney Docket No. 63,131 (70904)

: **OFFICE OF PETITIONS**
:
: **DECISION DISMISSING PETITION**
: **UNDER 37 CFR 1.313(a)**
:

This is a decision on the petition filed February 29, 2008 which is being treated under 37 CFR 1.313(a), requesting withdrawal of the above-identified application from issue.


The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on December 3, 2007, with the issue fee being due on or before March 3, 2008. The petition states that the issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

The matter is being referred to Technology Center AU 2861 for appropriate processing of the RCE filed February 29, 2008, and for consideration of the concurrently filed IDS.


Karen Creasy
Petitions Examiner
Office of Petitions